

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

JERALD POWELL,

Plaintiff,

vs.

MICHAEL J. ASTRUE,
Commissioner, Social Security
Administration,

Defendant.

Case No. 12-CV-48-CVE-FHM

OPINION AND ORDER

A Motion to Withdraw as Counsel has been filed by attorney Donald Dewberry, Texas Bar No. 05792500, Federal Bar No. 6007. [Dkt. 12].

The motion, filed July 11, 2012, is supported by a letter dated June 18, 2012, to Mr. Dewberry from Plaintiff in which Plaintiff reports he has tried for six weeks to contact Mr. Dewberry about a time sensitive matter and that Mr. Dewberry has not called Plaintiff back. [Dkt. 12-1]. Plaintiff also relates that he has decided to hire another attorney and requests Mr. Dewberry to mail or fax a letter to him as soon as possible stating Mr. Dewberry has withdrawn from the case. The motion states that a copy of the motion and a copy of the Court's July 9, 2012 Opinion and Order were being mailed to Plaintiff on July 11, 2012. Mr. Dewberry has offered no explanation for why he delayed nearly a month before complying with his client's wish that he withdraw from representation.

On July 9, 2012, the undersigned entered an Opinion and Order advising that the case is subject to dismissal under Fed. R. Civ. P. 4(m) for failure to timely effect service. Plaintiff was granted until July 31, 2012 in which to effect service before a recommendation for dismissal would be issued. [Dkt. 11].

cpy mailed to Plaintiff Powell

The Motion to Withdraw as Counsel filed by attorney Donald Dewberry, Texas Bar No. 05792500, Federal Bar No. 6007, [Dkt. 12], is GRANTED.

Plaintiff is HEREBY ORDERED to either cause new counsel to enter an appearance or file a notice that he is representing himself on or before July 25, 2012. Plaintiff is advised that the July 31, 2012, date to effect service is still applicable to this case.

The Court Clerk is DIRECTED to take note of the circumstances of Mr. Dewberry's withdrawal in the event of future applications by him for admittance to this Court *pro hac vice*. The Court Clerk is FURTHER DIRECTED to mail a copy of this Opinion and Order to Plaintiff, Jerald Powell, 1159 North Frankfort Ave, Tulsa, Ok. 74106.

SO ORDERED this 16th day of July, 2012.


FRANK H. McCARTHY
UNITED STATES MAGISTRATE JUDGE